

**Affidavit in Support of Criminal Complaint**

1. I, Troy M. Capser, hereafter referred to as your affiant, am a Special Agent with Department of Homeland Security, Homeland Security Investigations, being duly sworn, depose and state the following:
  - a. I am a Special Agent (SA) for the Department of Homeland Security, Homeland Security Investigations, hereafter referred to as HSI, and have been so employed since July of 2001. I am presently assigned to the Resident Agent in Charge (RAC) Kalispell, Montana, HSI office. In addition to my experience as an HSI Special Agent, I received a Bachelor's Degree from The University of Montana, Missoula, Montana. I have been involved in a number of investigations involving narcotics and have received training in this area. I have participated in numerous seizures of fentanyl as well as subsequent arrests, including the detection and recovery of fentanyl. I have also spoken with and been advised by other agents regarding narcotics investigations and their investigative techniques.
2. I make this affidavit in support of a criminal complaint charging Cuauhtemoc Cervantes Samaniego with knowingly and unlawfully possessing with intent to distribute fentanyl, and conspiring to do so, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

3. During the first week of October 2022, I learned from a confidential source of information, hereafter referred to as CS1, of a possible sizable load of fentanyl that was going to be transported from San Diego, California, to Kalispell, Montana, for distribution. I also learned that the source of the fentanyl was an individual known to CS1 as "Johnny." I learned about Johnny initially in May 2022 after a mail parcel containing fentanyl and cocaine was seized that originated in San Diego, California. The parcel was destined to an individual that cooperated with law enforcement in Montana. The source of information, hereafter referred to as CS2, identified the source of the drugs as "Johnny." In August 2022, I was informed by a third source of information, hereafter referred to as CS3, that a Hispanic male by the name of "Johnny" was having large quantities of fentanyl transported to Kalispell, Montana, for distribution. It should be noted that CS3 has provided information in previous investigations that appeared truthful and was corroborated by law enforcement.
4. On October 4, 2022, CS1 informed me that Johnny was transporting fentanyl to Kalispell, Montana, to be delivered to multiple people including CS1. CS1 further stated that Johnny was going to be arriving at the Town Pump at four corners (intersection of U.S. Hwy 93 and Cemetery Road in Kalispell, Montana) to conduct a drug transaction. CS1 added that Johnny and a driver

were in a black Honda Civic. At the same time, CS3 informed me that Johnny was in town and indicated he was driving a smaller black Honda.

5. At approximately 2:50 a.m., I saw a black Honda Civic pull up to the Town Pump four corners gas pumps. After a short while I saw the same Honda Civic move from the gas pumps to directly in front of the store. I saw two Hispanic males exit the vehicle and enter the store. Police contacted the two males when they returned to the Honda. The passenger of the vehicle, later identified as "Johnny," attempted to evade police detection by walking around the building when he saw police lights.
6. Law Enforcement identified the driver of the Honda as Brandon Zuniga Pina, who is a U.S. citizen. The passenger was identified as Cuauhtemoc Cervantes Samaniego, a Mexican Citizen with a U.S. B2 Visa. Zuniga Pina owned the vehicle and gave consent to law enforcement to search his vehicle. Law enforcement discovered approximately 12,000 blue pills known to be fentanyl concealed under the center console of the vehicle. Additionally, law enforcement located a semi-automatic pistol in the pocket behind the passenger seat. Law Enforcement also located and seized over \$62,000 in U.S. currency inside the Honda Civic. Zuniga Pina denied knowledge of any of the drugs, firearm or cash located in the vehicle.

7. Cervantes Samaniego advised he is a Mexican citizen and entered the United States earlier in the year. Using immigration software databases, I confirmed Cervantes Samaniego last entered the U.S. on April 26, 2022, at the Otay Border Crossing in California. Cervantes Samaniego appears to go back and forth to Mexico quite often based on border crossing history.
8. Based on the above information, it is your affiant's belief probable cause exists to charge Cuauhtemoc Cervantes Samaniego with knowingly and unlawfully possessing fentanyl with the intent to distribute, and conspiring to do so, in violation of 21 U.S.C. §§ 841(a)(1) and 846.



Troy M. Capser, Special Agent  
Homeland Security Investigations

Sworn and Subscribed

Before me on this 6th day of October, 2022.



United States Magistrate Judge Kathleen L. DeSoto